

AMENDED IN SENATE MAY 7, 2014
AMENDED IN SENATE APRIL 22, 2014
AMENDED IN SENATE MARCH 27, 2014

SENATE BILL

No. 1067

Introduced by Senator Beall

February 18, 2014

An act to amend Section 17251 of, and to add Section 17212.3 to, the Education Code, relating to schoolsites.

LEGISLATIVE COUNSEL'S DIGEST

SB 1067, as amended, Beall. Schoolsites: selection: entry/exit access: acquisition and plans review.

(1) Existing law requires the governing board of a school district, prior to acquiring any site on which it proposes to construct any school building, as defined, to have the site, or sites, under consideration investigated by competent personnel to ensure that the final site selection is determined by an evaluation of all factors affecting the public interest and is not limited to selection on the basis of raw land cost only.

This bill would require all new schoolsites acquired by the governing board of a school district or the governing body of a charter school to have at least 2 points of entry and exit onto the schoolsite that are safely accessible by pupils walking and bicycling to the schoolsite and that can be used for purposes of emergency access.

(2) Existing law requires the State Department of Education, upon the request of the governing board of any school district, to advise the governing board on the acquisition of new schoolsites, and after a review of available plots, give the governing board a written list of the recommended locations in the order of their merit, considering especially

the matters of educational merit, safety, reduction of traffic hazards, and conformity to the land use element in the general plan of the entity having jurisdiction. Existing law authorizes the governing board of a school district to purchase a site deemed unsuitable for school purposes by the department only after reviewing the department's report on proposed sites at a public hearing. Existing law requires the department to develop standards for use by a school district in the selection of schoolsites, in accordance with specified objectives. Existing law requires the department to establish standards for use by school districts to ensure that the design and construction of school facilities are educationally appropriate and promote school safety. Existing law requires the department to investigate complaints of noncompliance with site selection standards and to notify the governing board of the school district of the results of the investigation. Existing law requires the governing board of the school district to discuss the findings of the investigation in a public hearing if the notification is received prior to the acquisition of the site. Existing law requires the department, upon the request of the governing board of any school district, to review plans and specifications for school buildings in the district, make a survey of the building needs of the district, advise the governing board concerning the building needs, and suggest plans for financing a building program to meet the needs.

This bill would ~~instead~~ require the department to *also* advise ~~the governing board of a school district or the governing body of a charter school~~ on the acquisition of new schoolsites, *upon request*, and would require the department to also consider especially the matters of proximity to residential areas, access for pupils walking and bicycling to the schoolsite, efficient use of public resources through joint use of existing and new facilities, and ~~conforming~~ *conformity* to the mobility element in the general plan of the entity having jurisdiction. The bill would also authorize the governing body of a charter school to purchase a schoolsite deemed unsuitable for school purposes only after reviewing the department's report on proposed schoolsites at a public hearing. The bill would require the department to review and update at least every 10 years the standards for use by a school district or charter school in the selection of schoolsites, in accordance with specified objectives. The bill would require the department to also establish standards for use by school districts and charter schools to ensure that the design and construction of school facilities promote walking or bicycling access to the schoolsite to reduce traffic risks to pupils and joint use of public

facilities. The bill would *also* require the governing body of a charter school to discuss the findings of a department investigation, as described above, in a public hearing if the notification is received before the acquisition of the schoolsite. The bill would require the department, also upon the request of the governing body of a charter school, to review plans and specifications for school buildings of the charter school, make a survey of the building needs of the charter school, advise the governing body of the charter school concerning the building needs, and suggest plans for financing a building program to meet the needs. The bill would also make nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17212.3 is added to the Education Code,
2 to read:
3 17212.3. All new schoolsites acquired by the governing board
4 of a school district or the governing body of a charter school shall
5 have at least two points of entry and exit onto the schoolsite that
6 are safely accessible by pupils walking and bicycling to the
7 schoolsite and that can be used for purposes of emergency access.
8 SEC. 2. Section 17251 of the Education Code is amended to
9 read:
10 17251. The department shall:
11 (a) ~~Advise~~ *Upon the request of the governing board of a school*
12 ~~district or the governing body of a charter school, advise the~~
13 governing board of ~~a the~~ school district or the governing body of
14 ~~a the~~ charter school on the acquisition of new schoolsites and, after
15 a review of available plots, give the governing board of the school
16 district or the governing body of the charter school, in writing, a
17 list of the recommended locations in the order of their merit,
18 considering especially the matters of educational merit, safety,
19 proximity to residential areas, access for pupils walking and
20 bicycling to the schoolsite, efficient use of public resources through
21 joint use of existing and new facilities, reduction of traffic hazards,
22 and conformity to the land use and mobility elements in the general
23 plan of the city, county, or city and county having jurisdiction.
24 The governing board of the school district or the governing body
25 of the charter school may purchase a schoolsite deemed unsuitable

1 for school purposes by the department only after reviewing the
2 department's report on proposed schoolsites at a public hearing.
3 The department shall charge the school district or charter school
4 a reasonable fee for each schoolsite reviewed not to exceed the
5 actual administrative costs incurred for that purpose.

6 (b) Develop standards for use by a school district or charter
7 school in the selection of schoolsites, in accordance with the
8 objectives set forth in subdivision (a), and review and update the
9 standards at least every 10 years. The department shall investigate
10 complaints of noncompliance with schoolsite selection standards
11 and shall notify the governing board of the school district or the
12 governing body of the charter school of the results of the
13 investigation. If that notification is received before the acquisition
14 of the schoolsite, the governing board of the school district or the
15 governing body of the charter school shall discuss the findings of
16 the investigation in a public hearing.

17 (c) Establish standards for use by school districts and charter
18 schools to ensure that the design and construction of school
19 facilities are educationally appropriate and promote school safety,
20 walking or bicycling access to the schoolsite to reduce traffic risks
21 to pupils, and joint use of public facilities.

22 (d) Upon the request of the governing board of a school district
23 or the governing body of a charter school, review plans and
24 specifications for school buildings of the school district or charter
25 school. The department shall charge the governing board of the
26 school district or the governing body of the charter school, for the
27 review of plans and specifications, a reasonable fee not to exceed
28 the actual administrative costs incurred for that purpose.

29 (e) Upon the request of the governing board of a school district
30 or the governing body of a charter school, make a survey of the
31 building needs of the school district or the charter school, advise
32 the governing board of the school district or the governing body
33 of the charter school concerning the building needs, and suggest
34 plans for financing a building program to meet the needs. The
35 department shall charge the school district or charter school, for
36 the cost of the survey, a reasonable fee not to exceed the actual
37 administrative costs incurred for that purpose.

38 (f) Provide information relating to the impact or potential impact
39 upon any schoolsite of hazardous substances, solid waste, safety,

- 1 hazardous air emissions, and other information as the department
- 2 may deem appropriate.

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